

MINUTES OF THE UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

MYRNA I. JOHNSON vs. FRED MEYER STORES INCORPORATED
BEFORE THE HONORABLE RALPH R. BEISTLINE CASE NO. 1:04-CV-00008-RRB
DEPUTY CLERK/RECORDER: SAMANTHA LARK
APPEARANCES: PLAINTIFF: MARK C. CHOATE
DEFENDANT: JAMES R. DICKENS
PETER E. GRUENSTEIN

PROCEEDINGS: TRIAL BY JURY DAY - 1 HELD AUGUST 11, 2008:

At 8:39 a.m. court convened without the 25 prospective jurors present.

Court and counsel heard re Deps Machine, Proposed Jury Instructions, Witnesses, Hearsay issues, 403 issues, Mr. Laney's Affidavit, defendant's Motion in Limine and Jurors.

At 9:11 a.m. court recessed until 9:25 a.m. without 25 Prospective Jurors present.

Court and counsel heard re verdict form.

At 9:26 a.m. 25 prospective jurors entered the courtroom.

Court introduced parties.

Oath to jurors as to qualifications administered.

General voir dire conducted.

At 9:49 a.m. Juror #8 excused for cause.

At 9:51 a.m. Juror #16 and #2 excused for cause.

Court instructed clerk to call 14 names; 14 names called.

Individual voir dire conducted.

At 10:15 a.m. Juror #3, 4 and 7 excused for cause.

Court instructed clerk to call 3 names; 3 names called.

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Court admonished prospective jurors.

At 10:28 a.m. the prospective jurors exited the courtroom.

Court and counsel heard re any concerns.

At 10:29 a.m. court recessed until 10:44 a.m. without the prospective jurors present.

Court and counsel heard re jurors.

At 10:46 a.m. the prospective jurors entered the courtroom.

Individual voir dire continued.

At 11:07 a.m. the prospective jurors exited the courtroom.

Court and counsel heard re peremptory challenges and parties concern of courtroom set up.

At 11:09 a.m. court recessed until 11:26 a.m. without prospective jurors present.

Peremptory challenges taken; jury panel of 8 selected.

At 11:31 a.m. prospective jurors entered the courtroom.

Court instructed clerk to call 8 names; 8 names called.

At 11:34 a.m. court thanked and excused excess jurors.

Oath as to trial jurors administered.

Court read proposed jury instructions, admonished the jurors and read parties stipulation of facts to jury panel.

At 11:45 a.m. jury panel exited the courtroom.

Court and counsel heard re courtroom set up, proposed jury instructions and opening statements.

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At 11:49 a.m. court recessed until 1:03 p.m. without the jury panel present.

Court and counsel heard re deps machine and microphones.

At 1:07 p.m. jury panel entered the courtroom.

Opening Statements Heard.

At 2:03 p.m. jury panel exited the courtroom.

Court and counsel heard re witness order.

At 2:03 court recessed until 2:16 p.m. without jury panel present.

Court and counsel heard re plaintiff's first witness.

At 2:18 p.m. jury panel entered the courtroom.

Myrna Johnson sworn and testified on behalf of the plaintiff.
Defendant's exhibit L **ADMITTED.**

At 3:39 p.m. jury panel exited the courtroom.

Court and counsel heard re length of witness testimony.

At 3:40 p.m. court recessed until 3:54 p.m. without jury panel present.

Court and counsel heard re witness notes.

At 3:35 p.m. jury panel entered courtroom.

Myrna Johnson resumed the stand and testified further on behalf of the plaintiff.

Court admonished the jury panel and the jury panel exited the courtroom to reconvene Tuesday August 12, 2008 at 9:00 a.m.

Court and counsel heard re cross examination of witness, plaintiff's bankruptcy and length of trial.

At 4:35 p.m. court recessed this matter to reconvene **Tuesday August 12, 2008 at 8:55 a.m.**

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Revised 6/18/07